



5. As Defendants acknowledged during the September 1 teleconference, if the Court continues the current stay, Defendants will not suffer any prejudice in light of the existing judgment in *Simpson*, although the reversal of the *Simpson* judgment on appeal would affect the substantial rights of Plaintiff in this action.

### **CONCLUSION**

Plaintiff Jeffrey A. Harker respectfully requests that the Court deny Defendants' Motion to Lift Stay and maintain the current stay pending the resolution of any appeal in the *Simpson* action.

Dated: September 16, 2016

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing was served on all counsel of record by operation of the Court's CM/ECF system this 16th day of September, 2016.

/s/ Jonathan B. Potts